

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 453 be amended to read as follows:

- 1           Page 9, line 34, delete "or" and insert ",".
- 2           Page 9, line 35, after "chapter," insert **"or provides first party or**
- 3 **third party coverage"**.
- 4           Page 9, line 42, after "limits, the" insert **"amount payable on the**
- 5 **covered"**.
- 6           Page 10, line 1, after "recovery." insert **"The liability of a person**
- 7 **insured under an insurance policy of an insolvent insurer that**
- 8 **includes an amount payable on a covered claim under this chapter**
- 9 **shall be reduced by the same amount by which the association's**
- 10 **amount payable on a covered claim is reduced under this section."**
- 11          Page 10, delete lines 2 through 18, begin a new paragraph and insert:
- 12          **"(c) Notwithstanding subsection (b), a claim under an insurance**
- 13 **policy that provides liability coverage to a person who may be:**
- 14           **(1) jointly and severally liable; or**
- 15           **(2) a joint tortfeasor;**
- 16 **with the person covered under a policy of an insolvent insurer is**
- 17 **considered to be a claim arising from the same facts, injury, or**
- 18 **loss that gave rise to the covered claim against the association and**
- 19 **a person is not required to exhaust any right under the policy of**
- 20 **an**

1       **insolvent insurer."**

(Reference is to SB 453 as printed January 30, 2004.)

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Senator CLARK